

ASSEMBLY BILL

No. 347

Introduced by Assembly Member Achadjian

February 13, 2013

An act to amend Section 457.1 of the Penal Code, relating to arson.

LEGISLATIVE COUNSEL’S DIGEST

AB 347, as introduced, Achadjian. Arson: registration.

Existing law requires a convicted arsonist, as specified, to register with certain local officials in the area in which he or she resides, and makes it a misdemeanor to fail to register. Existing law also requires the registering law enforcement agency to forward certain information about the person to the Department of Justice, including a signed statement, and the person’s fingerprints and photograph.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 457.1 of the Penal Code is amended to
2 read:
3 457.1. (a) As used in this section, “arson” means a violation
4 of Section 451, 451.5, or 453, and attempted arson, which includes,
5 but is not limited to, a violation of Section 455.
6 (b) (1) Every person described in ~~paragraph~~ *paragraphs* (2),
7 (3), and (4), for the periods specified therein, shall, while residing
8 in, or if the person has no residence, while located in California,

1 be required to, within 14 days of coming into, or changing the
2 person's residence or location within any city, county, city and
3 county, or campus wherein the person temporarily resides, or if
4 the person has no residence, is located:

5 (A) Register with the chief of police of the city where the person
6 is residing, or if the person has no residence, where the person is
7 located.

8 (B) Register with the sheriff of the county where the person is
9 residing, or if the person has no residence, where the person is
10 located in an unincorporated area or city that has no police
11 department.

12 (C) In addition to *subparagraph* (A) or (B) ~~above~~, register with
13 the chief of police of a campus of the University of California, the
14 California State University, or community college where the person
15 is residing, or if the person has no residence, where the person is
16 located upon the campus or any of its facilities.

17 (2) Any person who, on or after November 30, 1994, is
18 convicted in any court in this state of arson or attempted arson
19 ~~shall be required to register, in accordance with the provisions of~~
20 this section, for the rest of his or her life.

21 (3) Any person who, having committed the offense of arson or
22 attempted arson, and after having been adjudicated a ward of the
23 juvenile court on or after January 1, 1993, is discharged or paroled
24 from the Department of ~~the Youth Authority~~ *Corrections and*
25 *Rehabilitation, Division of Juvenile Facilities*, ~~shall be required~~
26 ~~to register, in accordance with the provisions of this section, until~~
27 that person attains the age of 25 years, or until the person has his
28 or her records sealed pursuant to Section 781 of the Welfare and
29 Institutions Code, whichever *event* comes first.

30 (4) Any person convicted of the offense of arson or attempted
31 arson on or after January 1, 1985, through November 29, 1994,
32 inclusive, in any court of this state, ~~shall be required to register,~~
33 ~~in accordance with the provisions of this section, for a period of~~
34 five years commencing, in the case where the person was confined
35 for the offense, from the date of their release from confinement,
36 or in the case where the person was not confined for the offense,
37 from the date of sentencing or discharge, if that person was ordered
38 by the court at the time that person was sentenced to register as an
39 arson offender. The law enforcement agencies shall make
40 registration information available to the chief fire official of a

1 legally organized fire department or fire protection district having
2 local jurisdiction where the person resides.

3 (c) Any person required to register pursuant to this section who
4 is discharged or paroled from a jail, prison, school, road camp, or
5 other penal institution, or from the Department of ~~the Youth~~
6 ~~Authority~~ *Corrections and Rehabilitation, Division of Juvenile*
7 *Facilities*, where he or she was confined because of the commission
8 or attempted commission of arson, shall, prior to the discharge,
9 parole, or release, be informed of his or her duty to register under
10 this section by the official in charge of the place of confinement.
11 The official shall require the person to read and sign the form as
12 may be required by the Department of Justice, stating that the duty
13 of the person to register under this section has been explained to
14 him or her. The official in charge of the place of confinement shall
15 obtain the address where the person expects to reside upon his or
16 her discharge, parole, or release and shall report the address to the
17 Department of Justice. The official in charge of the place of
18 confinement shall give one copy of the form to the person, and
19 shall, not later than 45 days prior to the scheduled release of the
20 person, send one copy to the appropriate law enforcement agency
21 having local jurisdiction where the person expects to reside upon
22 his or her discharge, parole, or release; one copy to the prosecuting
23 agency that prosecuted the person; one copy to the chief fire official
24 of a legally organized fire department or fire protection district
25 having local jurisdiction where the person expects to reside upon
26 his or her discharge, parole, or release; and one copy to the
27 Department of Justice. The official in charge of the place of
28 confinement shall retain one copy. All forms shall be transmitted
29 in time so as to be received by the local law enforcement agency
30 and prosecuting agency 30 days prior to the discharge, parole, or
31 release of the person.

32 (d) All records relating specifically to the registration in the
33 custody of the Department of Justice, law enforcement agencies,
34 and other agencies or public officials shall be destroyed when the
35 person required to register under this subdivision for offenses
36 adjudicated by a juvenile court attains the age of 25 years or has
37 his or her records sealed under the procedures set forth in Section
38 781 of the Welfare and Institutions Code, whichever event occurs
39 first. This subdivision ~~shall~~ *does not be construed to* require the
40 destruction of other criminal offender or juvenile records relating

1 to the case that are maintained by the Department of Justice, law
2 enforcement agencies, the juvenile court, or other agencies and
3 public officials unless ordered by the court under Section 781 of
4 the Welfare and Institutions Code.

5 (e) Any person who is required to register pursuant to this
6 section who is released on probation or discharged upon payment
7 of a fine shall, prior to the release or discharge, be informed of his
8 or her duty to register under this section by the probation
9 department of the county in which he or she has been convicted,
10 and the probation officer shall require the person to read and sign
11 the form as may be required by the Department of Justice, stating
12 that the duty of the person to register under this section has been
13 explained to him or her. The probation officer shall obtain the
14 address where the person expects to reside upon his or her release
15 or discharge and shall report within three days the address to the
16 Department of Justice. The probation officer shall give one copy
17 of the form to the person, and shall send one copy to the appropriate
18 law enforcement agency having local jurisdiction where the person
19 expects to reside upon his or her discharge or release, one copy to
20 the prosecuting agency that prosecuted the person, one copy to the
21 chief fire official of a legally organized fire department or fire
22 protection district having local jurisdiction where the person
23 expects to reside upon his or her discharge or release, and one copy
24 to the Department of Justice. The probation officer shall also retain
25 one copy.

26 (f) The registration shall consist of (1) a statement in writing
27 signed by the person, giving the information as may be required
28 by the Department of Justice, and (2) the fingerprints and
29 photograph of the person. Within three days thereafter, the
30 registering law enforcement agency shall electronically forward
31 the statement, fingerprints, and photograph to the Department of
32 Justice.

33 (g) If any person required to register by this section changes his
34 or her residence address, he or she shall inform, in writing within
35 10 days, the law enforcement agency with whom he or she last
36 registered of his or her new address. The law enforcement agency
37 shall, within three days after receipt of the information,
38 electronically forward it to the Department of Justice. The
39 Department of Justice shall forward appropriate registration data

1 to the law enforcement agency having local jurisdiction of the new
2 place of residence.

3 (h) Any person required to register under this section who
4 violates any of the provisions thereof is guilty of a misdemeanor.
5 Any person who has been convicted of arson or attempted arson
6 and who is required to register under this section who willfully
7 violates any of the provisions thereof is guilty of a misdemeanor
8 and shall be sentenced to serve a term of not less than 90 days nor
9 more than one year in a county jail. In no event does the court have
10 the power to absolve a person who willfully violates this section
11 from the obligation of spending at least 90 days of confinement
12 in a county jail and of completing probation of at least one year.

13 (i) Whenever any person is released on parole or probation and
14 is required to register under this section but fails to do so within
15 the time prescribed, the Board of ~~Prison Terms~~, the Department
16 of the ~~Youth Authority~~, *Parole Hearings*, the *Department of*
17 *Corrections and Rehabilitation*, *Division of Juvenile Facilities*, or
18 the court, as the case may be, shall order the parole or probation
19 of that person revoked.

20 (j) The statements, photographs, and fingerprints required by
21 this section shall not be open to inspection by the public or by any
22 person other than a regularly employed peace officer or other law
23 enforcement officer.

24 (k) In any case in which a person who would be required to
25 register pursuant to this section is to be temporarily sent outside
26 the institution where he or she is confined on any assignment within
27 a city or county, including, but not limited to, firefighting or
28 disaster control, the local law enforcement agency having
29 jurisdiction over the place or places where that assignment shall
30 occur shall be notified within a reasonable time prior to removal
31 from the institution. This subdivision shall not apply to any person
32 temporarily released under guard from the institution where he or
33 she is confined.

34 (l) (1) Nothing in this section shall be construed to conflict
35 with Section 1203.4 concerning termination of probation and
36 release from penalties and disabilities of probation.

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38 (2) A person required to register under this section may initiate
39 a proceeding under Chapter 3.5 (commencing with Section
40 4852.01) of Title 6 of Part 3 and, upon obtaining a certificate of

1 rehabilitation, shall be relieved of any further duty to register under
2 this section. This certificate shall not relieve the petitioner of the
3 duty to register under this section for any offense subject to this
4 section of which he or she is convicted in the future.

5 ~~Any~~

6 (3) *Any* person who is required to register under this section due
7 to a misdemeanor conviction shall be relieved of the requirement
8 to register if that person is granted relief pursuant to Section
9 1203.4.

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